

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY A. FRANK,

Petitioner,

v.

ERIC ARNALD,

Respondent.

Case No. [18-cv-03967-EMC](#)

**ORDER DENYING REQUEST FOR  
COUNSEL**

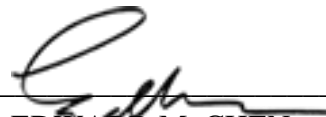
Docket No. 26

Petitioner has filed a second request for appointment of counsel to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require” and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See id.* At this time, the interests of justice do not require appointment of counsel in this action. Petitioner has adequately pled his claims for relief and states that all of his claims previously were presented in state court. Petitioner’s request for appointment of counsel is **DENIED**. Docket No. 26.

The March 13, 2020 deadline for Petitioner to file a traverse remains in place.

**IT IS SO ORDERED.**

Dated: January 31, 2020

  
EDWARD M. CHEN  
United States District Judge